

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 234.6, 239B.4(6), and 249A.4, the Department of Human Services amends Chapter 40, "Application for Aid," Chapter 76, "Application and Investigation," and Chapter 170, "Child Care Services," Iowa Administrative Code.

These amendments clarify that the applicant or participant for Family Investment Program assistance, medical assistance, or child care assistance has the primary responsibility for providing information and verification needed for the Department to establish eligibility and benefits. If the applicant or participant fails to supply the information or verification requested and does not request assistance and authorize the Department to obtain the specific information or verification, that failure is a basis for denial or cancellation of assistance.

The Department has recently added a general release of information to applications and review documents used for these programs. If the applicant or participant signs the optional general release of information, the Department may be able to use the release to help obtain information from third parties to determine eligibility and benefits. In some instances, the use of a general release of information will allow the Department to assist the client in obtaining the necessary information more quickly.

The reason for these amendments is to clarify that signing the optional general release does not absolve the applicant or participant from all responsibility for providing requested information or verification. Use of the general release is not appropriate in all instances, and, due to the general nature of the form, it will not always be honored by collateral contacts. When the Department needs specific information, the Department will notify the client. If the client is not able to provide the information, the client is responsible for asking the Department worker for help and for giving a specific authorization for the Department to obtain the requested information.

These amendments also include a change to subrule 76.7(4) inadvertently omitted from the amendments adding Medicaid coverage for children in subsidized guardianship that were published in the Iowa Administrative Bulletin on December 3, 2008, as **ARC 7386B**.

Clients are not required to sign the general release of information. A client who is not able to provide the requested information or verification may ask the Department for assistance.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on February 25, 2009, as **ARC 7590B**. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on April 8, 2009.

These amendments are intended to implement Iowa Code chapters 239B and 249A and section 237A.13.

These amendments shall become effective on June 10, 2009.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [40.24(1), 40.27(4), 76.2, 76.7, 170.5] is being omitted. These amendments are identical to those published under Notice as **ARC 7590B**, IAB 2/25/09.

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[For replacement pages for IAC, see IAC Supplement 5/6/09.]